

**REMARKS**

Claims 33-38 are pending. By this response, claims 33-38 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action rejects claims 33-38 under 35 U.S.C. §102(e) as being anticipated by Esmailzadeh et al. (US 6,163,533). This rejection is respectfully traversed.

In each of claims 33-38 a random pattern is used for the preamble and the reception power intensity is detected by merely measuring the received power in the preamble. Applicants respectfully submit that Esmailzadeh teaches a CDMA system, which is quite different from the claimed invention and does not detect the received power by merely measuring the received power in the random preamble.

In the embodiments of the present invention, the technical field to which it is directed is different from the CDMA system disclosed in Esmailzadeh. The CDMA system of Esmailzadeh requires a different type of processing for a signal due to the spread spectrum nature of the signal. Performing an analysis on a CDMA signal usually requires the de-spreading of the signal in order to obtain various information. This is particularly true when detecting the power of a signal in the CDMA system.

In the CDMA system of Esmailzadeh, the signal is a spread spectrum signal and must first be de-spread using a de-spreading operation in order to detect the power. This is in contrast to the claimed invention in which the power is detected by merely measuring the received power in the preamble. The present invention does not require a spread spectrum signal and is thus not subject to the technical constraints surrounding a CDMA system. The

CDMA system is in a different technical field which is specifically designed for using a spread spectrum signal and thus cannot detect the power intensity by simply measuring the preamble of a signal.

Therefore, Esmailzadeh cannot teach each and every feature of Applicants independent claims. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

### Conclusion

For at least the above reasons Applicants respectfully submit Claims 33-38 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 6, 2007

Respectfully submitted,

By 

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